

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 p.m. on December 3, 2002, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Chamberlain

Kramer

Littman

Pennington (arrived 7:35 p.m.)

Starr

Storrs

Vleck

Waller

Absent:

Wright

Moved by Littman

Seconded by Starr

RESOLVED, that Mr. Wright be excused from attendance at this meeting.

Yeas

All present (7)

Absent

Wright

Pennington (arrived 7:35 p.m.)

MOTION CARRIED

Also Present:

Brent Savidant, Principal Planner

Susan Lancaster, Assistant City Attorney

Kathy Czarnecki, Recording Secretary

2. MINUTES

Mr. Waller requested that the Road Commission's comment with respect to Hollywood Supermarket be incorporated into the November 5, 2002 Special/Study Meeting minutes.

Moved by Starr

Seconded by Storrs

RESOLVED to approve the November 5, 2002, Planning Commission Special/Study Meeting minutes as amended.

Yeas

All present (6)

Abstain

Chamberlain

Absent

Wright

Pennington (7:35 p.m.)

Mr. Littman requested that the November 12, 2002 minutes, under Item 4, Preliminary Approval for the proposed Turner Site Condominium, reference the request for a description of the differences between site condos and plats. Mr. Savidant confirmed that this item is reflected in the minutes and the text in this respect is complete and the drawings are underway.

Mr. Littman referenced the need to eliminate the words "Public Hearing Closed" on page 9 because the Trainers Obedience Center Public Hearing remains open until the December 10, 2002 meeting.

(Pennington walked in at 7:35 p.m.)

Moved by Waller

Seconded by Vleck

RESOLVED to approve the November 12, 2002, Planning Commission Regular Meeting minutes as amended.

Yeas
All present (6)

Abstain
Chamberlain
Pennington

Absent
Wright

MOTION CARRIED

3. CURRENT DEVELOPMENT REPORT

Mr. Savidant presented the current development report as follows.

- Open Space Preservation Ordinance - *Adopted by City Council as approved by Planning Commission with two changes.*
- Burton/Katzman (Magna) PUD – *The applicant intends to present the application at the January 7 Special/Study Meeting.*
- Boys and Girls Club/BZA/Parking Appeal – *Item will be on Planning Commission's December 10, 2002 meeting.*
- Hollywood Supermarket/Right of Way Adjustments/Deceleration Lane – *Road Commission made changes to the entry drive.*
- Saleen/Stanley Door Building
- Brownfield Redevelopment Authority – *Approval given to Masco for \$1,000,000 clean-up of site at Elmwood and Livernois.*
- Dr. Ali Rabbanni ET. AL. v. City of Troy/R-1B to 0-1 – *City has filed its appeal with Court of Appeals for all issues.*
- Maplelawn Road/Design Services for Road Expansion – *Engineering design is for 5 lanes to Crooks Road; Savidant will confirm if sidewalks are included in project.*

4. BOARD OF ZONING APPEALS REPORT

Ms. Pennington reported that the BZA gave approval to Nextel to construct a 100' tall monopole tower at Crooks and South Boulevard, across from the Farmer Jack store.

Nextel's hardship was that no other piece of property in Troy could accommodate the required 500' residential setback and that this location is the only dead zone within the City. Ms. Pennington noted that the approved site offers a 350' residential setback.

Ms. Pennington further reported that relief was given to the Boys and Girls Club for the required masonry screen wall along the east property line and for the required setback for the parking lot at the rear property line.

5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Civic Center

Mr. Savidant announced that a public forum, sponsored by the Chamber of Commerce, is being held on December 12 at 7:30 p.m. at Standard Federal Bank to discuss potential civic center funding options. He stated that representatives of the City, Downtown Development Authority and City staff have met with State representatives to discuss potential funding sources.

In response to Mr. Littman's question on the potential sale of the Ford & Earl/Yamasaki property, Mr. Chamberlain said it is his understanding the Historical Commission is hoping to designate the site as a historical site.

Mr. Kramer noted that a point to consider with respect to a performing arts theater is any venue having more than 400 seats is considered being "on Broadway".

Former Denny's Site (Item # 7)

Mr. Savidant referenced the site plan proposal for the former Denny's restaurant on the west side of Crooks Road and north of Big Beaver. He noted that the Commission has discussed this site at great length and that Dick Carlisle has started a local area plan study for this corner. Mr. Savidant stated that the applicant is proposing to demolish the old building, is agreeable to correcting the grade problem to the south side of the property, proposes vehicular access to the south, and has expressed willingness to work with property owners to the south. Mr. Savidant noted that the site plan meets all ordinance requirements and is on the December 10 Regular Meeting agenda.

Mr. Waller suggested the possibility of relocating the retention pond to provide better entry access for vehicular traffic.

Mr. Chamberlain would like to see the placement of the building closer to the street and parking provided in the rear. He questioned the Assistant City Attorney how the Commission could go about facilitating its dream development at this corner if a proposed site plan meets all ordinances, and asked if the Planning Commission could go before the BZA to sway them to approve a setback variance.

Ms. Lancaster replied that the Commission must respect the City Codes and seek any variances from the BZA. She suggested the Commission give thought to other considerations; i.e., a PUD. Ms. Lancaster answered in the negative to the Planning Commission going before the BZA to sway them. She noted that the BZA must have proof of a practical difficulty or hardship to approve a variance.

Mr. Chamberlain asked if a public hearing is required.

Ms. Lancaster replied in the affirmative, if there is a rezoning proposal.

Mr. Savidant stated that if the Commission plans to make changes to the Future Master Land Use Plan, then both the Planning Commission and City Council (if they desire) require public hearings

Mr. Chamberlain asked if a public hearing is required if the Commission stands alone.

Mr. Savidant replied that a public hearing would then not be required but he strongly encouraged that one be held. In response to Mr. Chamberlain's question, Mr. Savidant said that the area plan study being done by Dick Carlisle could possibly be ready in time for the Planning Commission's regular meeting in January, but of course he cannot speak on behalf of Mr. Carlisle.

Mr. Starr asked if the Road Commission had conducted any studies in the area. Mr. Savidant replied that he would check with the Road Commission to see if they were conducting any studies.

A brief discussion was held with respect to the ownership of the retention pond. Ms. Lancaster will report back to the Commission on its ownership. According to the site plan applicant, First American Title owns the retention pond.

Mr. Kramer suggested that a study meeting be held with the existing property owners and Mr. Carlisle.

Ms. Lancaster suggested that Mr. Carlisle's area plan study incorporate future development as well as the current design for this area.

Mr. Chamberlain announced that item #7 would be discussed at this time because the applicant is present.

7. SITE PLAN REVIEW (SP-183) – Proposed Retail / Restaurant Development (former Denny's Restaurant), North of Big Beaver, West side of Crooks, Section 20 – B-3

Harvey Weiss of 525 E. Big Beaver Road, Troy, representative for the development firm for the proposed project, was present. He introduced Mike Boggio, the project's architect, and Brad Rosenberg of Landmark Real Estate. Mr. Weiss stated that the site plan does meet all City ordinances and that every effort has been made to meet the City's long-term objectives as previously discussed with Doug Smith and Mark

Miller. Mr. Weiss has approached the property owners to the south (Einstein Bagels and the shopping center inclusive of a party store and pizza shop) with respect to purchasing their property and the potential use of a joint driveway. Mr. Weiss reported that neither owner has an interest in selling the property; nor does the shopping center owner want a joint drive with Einstein Bagels.

Mr. Weiss said that experience shows that placing buildings at the front of a site with parking to the rear is not advantageous to restaurants in these types of locations. He mentioned that his prospective tenants at this time are Potbellies (a national sandwich shop), Noodles (a pasta restaurant) and a coffee house (Starbucks or Caribou's). Mr. Weiss stated that the plan shows joint access to the south for any future development.

Mr. Boggio, the architect, presented the different elevations that incorporate a downtown look. Mr. Boggio noted that there is a 30' trash enclosure to contain three 10' trash receptacles. It was confirmed there is enough turnaround space to allow trash pickup.

Mr. Littman voiced his concern with parking.

Mr. Weiss confirmed that Potbellies is significantly a take-out restaurant, Noodles is for the most part a sit-down restaurant but its predominantly nighttime business hours will complement the other restaurants' daytime hours.

Discussion followed with respect to the ordinance criteria of required parking for take-out and sit-down restaurants.

Mr. Boggio responded to Mr. Starr's concern about the loading area. Mr. Boggio stated that the 10' x 15' loading area will not interfere with parking or traffic. He agreed that it would be more effective if the loading area was tighter to the building, but noted that most deliveries are made early in the morning. In response to Mr. Starr's question on rotating the placement of the building, Mr. Boggio stated that the proportions of the property did not work with any type of building rotation.

Mr. Kramer suggested that a consideration be given to outdoor seating to create a softer, streetscape look.

In closing, Mr. Weiss asked if the Planning Commission would like any specific recommendations addressed prior to next week's meeting. Mr. Weiss offered to bring in a development plan for the whole quadrant, if the Planning Commission so desired.

Mr. Chamberlain suggested following through with Mr. Kramer's idea to create a softer streetscape look, reducing the front parking from three rows to two rows, and figuring out a way to get the BZA to approve a variance from the front yard setback requirement.

6. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA 198)

Mr. Savidant stated that the amendment language to the off-street parking section was discussed at the November 5 Planning Commission Study Session and it was suggested at this meeting that the text was ready for a Public Hearing. He stated that the Planning Department is prepared to schedule a Public Hearing, but at this time the Planning Department, City Attorney and staff have concerns with the proposed text amendments: (1) Increasing the off-street parking requirements for specific uses could have the affect of creating non-conforming off-street parking areas that could negatively impact the value of property and limit the use of existing properties. (2) Staff is not aware of any specific parking problems in the City that would necessitate amendments to the existing parking standards. (3) It is the opinion of the Planning Department, City Attorney and staff that in the best interest of public health, safety and welfare to hold off until there is more study given to the standards.

A brief discussion followed.

Mr. Chamberlain stated that he reviewed the comments incorporated in the memo one by one. He confirmed that the intent of the Commission is to reduce the amount of asphalt throughout the City and return it to green space. He asked that legal language be drafted with respect to allowing parking lots to be reduced in size and grandfathering them in. Mr. Chamberlain would like to see a Public Hearing scheduled in January.

Mr. Chamberlain asked the members if they were in favor of taking this matter before Council now and if they agree that the Commission should be represented at the Council meeting.

Mr. Waller voiced his support to go forward. He questioned which direction the study would take if it were to continue as staff is requesting.

Mr. Vleck agreed that the matter should go to Council. He suggested that a more scientific study could be conducted to see results of current ordinances in different areas.

Ms. Pennington agreed to go forward because of the land banking benefit.

Mr. Storrs agreed there were no major changes to the ordinance and would like to go forward with the land banking.

Mr. Kramer feels that the ordinance was tweaked well and agreed to go forward with the land banking. Mr. Kramer further stated that he would like to see the approval process to change asphalt to green space handled administratively.

Mr. Starr agreed that land banking is a big item and to go forward to Council.

Mr. Littman agreed to go to Council. He stated that the legal language for grandfathering will need some work.

Mr. Chamberlain stated that from this point forward, if a recommendation of City staff is different from a Planning Commission's recommendation, both Planning Commission and City staff positions would be provided to Council.

Ms. Lancaster advised the Commission that in terms of ethics, no Board member should go before another Board if he/she has a personal interest in the matter. She suggested that the representative party be prepared with a written position from its Board and to answer questions as a representative of the Board, not as an individual.

Mr. Chamberlain said: "If you have not caught the undercurrents going on around in the last six months, I will remind you of everything the Commission previously worked on that has not come to fruition. When was the last time you heard anything about retention ponds since we quit talking about them because City staff said they were going to make a whole new development standard. We have never seen anything since then. They had their last draft and you are not hearing about that anymore. Guys like me have a long memory. I do not think that the City staff and us are...when I say City staff, I am not including Brent Savidant and Mark Miller. They are kind of caught up because they are sitting here having to deal with us and deal with the other side. So I keep them out of that fight. But we have some real problems and going forward, Sue talks about ethics, and us going in front of City Council. The staff goes in and gives their position on our issues and the Planning Commission is not allowed to do that. There ain't no ethics involved there. The ethics are we should be there first trying to influence what we want to do; not have someone else influence us why we do not want to do something. That's where I come from on this. Again, we are citizens of Troy. We have a right to petition. What we want is this thing to go forward as is, with a couple of additions. I want to see those additions at our study meeting, ready to go before Council to have a public hearing on this thing. Unfortunately, it will be right after the first of the year. I would like to meet with Mr. Littman, Mr. Savidant, Mr. Miller and Ms. Lancaster and go over everything before the Planning Commission's formal study meeting so we at least agree what's coming forth."

8. INFILL DEVELOPMENT OPTION

Mr. Savidant stated that the focus of Mr. Carlisle's study on infill is the Big Beaver and Rochester Road corner. Mr. Carlisle has been provided the pertinent data, maps, etc., to begin the study. Mr. Savidant noted that the Back Bay PUD, now called Rochester Commons, will be on the January 7 Council agenda and will be incorporated in this study.

Mr. Chamberlain referenced the material provided in tonight's packet with respect to mixed-use redevelopments within local communities. He shared his experience of Helena, Montana, in that its downtown redevelopment incorporated a children's

interpretative art site, a skate park and underground access tunnel to the college campus.

10. GATEWAY SUB-COMMITTEE DISCUSSION

Mr. Chamberlain announced the creation of a City Gateway sub-committee. At the beginning of the New Year, Mr. Chamberlain, Ms. Pennington, Mr. Storrs and Mr. Savidant will work with Mr. Carlisle on the City's entranceway at Rochester and Big Beaver.

9. BIG BEAVER & ROCHESTER ROAD – CITY GATEWAY

This item will be discussed once the Gateway Sub-Committee meets in January.

11. PUBLIC COMMENT

Robert Schultz reported that St. Thomas Moore Church will put in 5' sidewalks on the north and east sides of their building but no sidewalks will be placed on the Adams Road side.

GOOD OF THE ORDER

Mr. Chamberlain reminded everyone that he is not able to attend the December 10, 2002 meeting.

Mr. Waller provided the members with an updated list of Planning Commission items to be discussed.

Mr. Vleck announced that he is not able to attend the December 10, 2002 meeting.

Ms. Pennington announced that she is not able to attend the December 10, 2002 meeting. Further, she stated that she was prepared to resign her post effective the first of the year, but will take her decision under further consideration.

Mr. Savidant confirmed that the members were in receipt of the City Manager's memo relaying that he will be attending the January 7 Study/Special Meeting to discuss various issues.

Mr. Littman noted that an inventory of Troy's wetlands can now be found on the DEQ's website. Mr. Littman will forward the website address to the Planning Department.

Mr. Kramer mentioned a news article in last Sunday's *Observer and Eccentric*. One of Michigan's residential developments won the President's Award to "Keep Michigan Beautiful for Environmental Ambience". The article caught his eye because it echoes the Commission's efforts in PUD developments.

Mr. Storrs questioned the responsibilities and authority of the Planning Commission. Ms. Lancaster offered to provide copies of the City Charter, although it offers a somewhat vague description of a commissioner's duties. Mr. Chamberlain reminded Mr. Storrs that the disk provided to the Commissioners straightforward and very helpful.

Mr. Chamberlain requested participation from Mr. Starr and Mr. Wright in the sub-committee to discuss the Special Use ordinance. Mr. Chamberlain, who will chair the sub-committee, stated that the sub-committee will be working without the assistance of the Planning Department.

Mr. Chamberlain noted that he would like Mr. Waller, Mr. Kramer and Mr. Vleck to participate in the Tree Preservation sub-committee.

Mr. Waller thanked the Planning Department for distributing the "Welcome to the Commission" pamphlets and Planning Commissioners Journal. They are a great reference!

All members wished each other a Merry Christmas and Happy Hanukkah.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:58 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director